

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:96
ANSWERED ON:01.03.2005
GRANT OF EMR
Muqueem Shri Mohammed

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether EMRs were applicable only upto 31st December, 2004;
- (b) the details of the products and companies to which Exclusive Marketing Rights (EMR) was granted by the Patent Office;
- (c) the status of these products after the expiry of EMRs;
- (d) whether they would automatically come under the new product patent; and
- (e) if so, the details thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI E.V.K.S. ELANGO VAN)

(a): The Patents Act, 1970 contained provision for grant of exclusive marketing rights (EMRs) in the fields of pharmaceutical and agricultural chemicals, on fulfillment of certain conditions, for a period of five years or till the product patent is granted or patent application is rejected, whichever is earlier. These provisions have been omitted with effect from January 01,2005 by the Patents (Amendment) Ordinance, 2004.

(b): The details of the companies and products for which EMRs were granted are as under :

1. United Phosphorus Ltd., India - Syneqistic Fungicidal composition comprising of carbendazim and Mancozeb (Antifungal Insecticide).
2. Novartis AG, Switzerland - Imatinib Mesilate (Anti tumour agent)
3. Wockhardt Ltd., India - Nadifloxacin. 1% Cream (Antibacterial)
4. Eli Lilly Company, USA - Tadalafil Tablet (for Erectile Dysfunction)

(c): After the expiry of the term of the EMR or from the date of grant of patent or rejection of the product patent applications, whichever is earlier, the EMR shall have no effect.

(d) and (e): As per the provisions of the Patents (Amendment) Ordinance, 2004, the application in respect of which exclusive rights have been granted before the 1st day of January, 2005 are required to be examined. This is being done by the Patent Office as per the law.